

AWARD

NASD Regulation, Inc. Office of Dispute Resolution

In the Matter of the Arbitration Between

Name of Claimant

Lewis, de Rozario & Co., Inc.

and

96-00829

Name of Respondent

Robert W. Lewis

REPRESENTATION OF PARTIES

Lewis, de Rozario & Co., Inc. ("**Claimant**") was represented by James E. Nesland, Esq., William J. Leone, Esq., and Marc L. Jacuzzi, Esq., Cooley Godward LLP, Denver, Colorado.

Robert W. Lewis ("**Respondent**") was represented by Steve A. Miller, Esq., Denver, Colorado.

CASE INFORMATION

The Statement of Claim was filed on or about February 21, 1996. Submission Agreement of Claimant Lewis, de Rozario & Co., Inc. was signed on March 5, 1996.

Statement of Answer was filed by Respondent Robert W. Lewis on or about December 9, 1996.

HEARING INFORMATION

A pre-hearing conference was held on November 4, 1996. The parties have stipulated that a hearing was not necessary.

CASE SUMMARY

Claimant alleged, among other things, in its Statement of Claim which is before this Arbitration Panel, that Respondent is indebted to it for money and property for the reasons set forth in the First, Second, Third, Fourth, Sixth and Seventh Claims for Relief, which seek civil relief. The alleged indebtedness exceeds \$560,000.

Respondent denied the allegations set forth in the Statement of Claim. Respondent alleged that the funds were compensation to him in his various capacities, including as fiduciary.

RELIEF REQUESTED

Claimant requested an award for actual damages of at least \$425,781.25, lost profits of at least \$1,000,000, incidental and consequential damages, plus interest, costs and attorneys' fees.

Respondent requested that the claims asserted against him be denied. Respondent requested that any loss claimed by Claimant had been paid or should be set off against any compensation and bonuses to which Lewis was or should have been entitled.

OTHER ISSUES CONSIDERED & DECIDED

The parties have agreed that the Award in this matter may be executed by the Chairperson, Carol Zamperini only and the signatures of the remaining arbitrators are not necessary. The parties have agreed to receive conformed copies of the award while the original remains on file with the NASD Regulation, Inc. Office of Dispute Resolution.

AWARD

Having been fully advised of the premises and pursuant to the attached Stipulation to Entry of Award, the undersigned arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent Robert W. Lewis shall be and hereby is liable for and shall pay to Claimant the sum of \$560,000 (**five hundred sixty thousand dollars**).
2. Each party shall bear its own costs, expenses and fees incurred in this matter.

FORUM FEES

Forum fees are calculated at the rate of \$1,000 per hearing session and \$300 for each pre-hearing conference, if any. There was one (1) session x \$300 = \$300 in forum fees. Pursuant to §10332(b) a hearing session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with an arbitrator, which lasts four (4) hours or less.

Pursuant to §10205(c) of the NASD Code of Arbitration Procedure, the NASD Regulation, Inc. Office of Dispute Resolution shall **retain** the non-refundable filing fee in the amount of \$500 and shall **retain** as forum fees the hearing session deposit in the amount of \$750 previously deposited with the NASD Regulation, Inc. Office of Dispute Resolution by the Claimant Lewis, de Rozario

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& Co., Inc. Pursuant to §10333 of the NASD Code of Arbitration Procedure, the NASD Regulation, Inc. Office of Dispute Resolution shall **retain** the non-refundable member surcharge in the amount of \$500. **Fees are payable to the NASD Regulation, Inc. Office of Dispute Resolution.**

Dated:

/s/ Carol Zamperini

Carol Zamperini
Public Arbitrator, Presiding Chair

March 7, 1997